Lambda Letters Project

32645

Vol. 10, No. 9 September, 2002 www.lambdaletters.org LambdaLP@aol.com (916) 728-1261

Transgendered Protections in the Workplace

Lavender Library, Archives and Cultural Exchange Sacramento, CA

DFEH Now Accepts Complaints from Transgendered People

by Boyce Hinman, Chief Lobbyist

Beginning in December 1998 the Lambda Letters Project began a drive to obtain passage of state legislation to specifically ban housing and employment discrimination against transgendered people in California. Since then two bills have been introduced in the state legislature. The first one was introduced by Assemblymember Fred Keeley (D–San Diego); the second by Assemblymember Jackie Goldberg (D–Los Angeles).

Both bills were approved by the state Assembly. Keeley's bill died in the Senate Judiciary Committee, but Goldberg's bill was approved by that committee. However, Goldberg put her bill on hold at the request of Governor Davis. He promised in return to direct the California Department of Fair Employment and Housing (DFEH) to carry out the purposes of these bills by

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Your Help Needed Now

by Lori Norman, Board Chair

The Lambda Letters Project is experiencing growing pains. We are growing fast. But the volunteer base to support the work that we do is not keeping up with our needs. We need you to consider volunteering your services to Lambda Letters.

This summer we took on almost 900 new members. In addition, we now have about 1,000 members on our e-mail alert list. By year's end we will probably have delivered over 150,000 letters and e-mail messages to elected officials.

Every week we send bulletins about current legislation to almost 20 LGBT community newspapers. We also publish our own, very professional monthly newsletter. Our chief lobbyist, Boyce Hinman, even files a monthly political commentary on IMRU, a weekly one-hour radio show based in Los Angeles. (IMRU, at *www.imru.org,* airs on KPFK 90.7 FM on Mondays from 7–8 PM.)

Because of all this involvement and activity, more and more legislators are asking us to support their legislation with letters and e-mails.

We have letters of commendation from four current or former legislators. We have also received

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Lambda Letters Progress Report

Letters & Messages Collected

July, 2002	14,145 letters & e-mails
In all of 2002	122,981 letters & e-mails

Dollars Spent

July, 2002	$3,313
In all of 2002	$28,050

Can You Help?

Please support the very important work of the Lambda Letters Project with your contributions.

Lambda Letters Project

Mission Statement

To promote people of color, feminist, lesbian, gay, bisexual, transgender, and HIV/AIDS status advocacy, and to bring people of color, women, lesbians, gays, bisexuals, transgendered and intersex persons, and persons affected by or living with HIV/AIDS into full participation in American society.

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The Lambda Letters Project does not sell or loan its mailing list to anyone. We give no information about who is, or is not, a member of the Project. We do, occasionally, send mailings on behalf of other worthwhile organizations, but this is done by our own volunteers so that no other organization has the opportunity to copy our mailing lists.

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If so, you may register a complaint with the Department of Fair Employment and Housing. In cases of employment discrimination, call the department at (800) 884-1684. In cases of housing discrimination, call (800) 233-3212.
The person answering the phone will schedule an appointment for you at the Department of Fair Employment and Housing Office which is closest to your home or place of employment.

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Business-card sized ads (3½"×2") $15, quarter-page ads $50, half-page ads $65, full-page ads $100, full back cover ads $150. Deadline for payment and camera-ready copy, along with your name and phone number, is the 25th of each month.

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Women's Issue

Fund Domestic Violence Services

by Adrienne Lauby

Congress reduced federal funding for the Violence Against Women Act this year, drastically cutting shelters and other family violence programs. This month we ask you to write to Governor Davis in support of SB 1618 (Sheila Kuehl, D–Los Angeles), which mitigates these cuts in California by raising by $10 the portion of the marriage license fee dedicated to funding domestic violence services in California. Six dollars of that fee would fund domestic violence shelters in underserved areas and populations.

Counties in California charge between $45 and $70 for marriage licenses. Presently, $23 of each marriage license is used to provide domestic violence services, specifically shelter and other crisis-related services. In 2000, this fee raised over $3,680,000 for domestic violence programs in counties throughout the state. A $10 increase would raise an additional $1,600,000 and replace nearly two-thirds of the funds lost through federal cuts. The funds generated through marriage license fees provide a stable and dependable source of funding for domestic violence programs.

The recognition of domestic violence as a serious crime and the institution of the shelter system has been a major achievement of the feminist movement. There are those individuals and groups who would still like to see all women barefoot, pregnant, and in the kitchen. It's strange but true; it takes violence to keep women submissive. Without the threat of violence, women have a chance for freedom and joy.

This bill required a two-thirds majority vote because it is a fee increase and legislative opponents managed to slow its passage despite the lack of any organized opposition. As you know, the religious right cherishes the concept of "marriage" and they may attempt to block this crucial funding at the last minute. Lambda Letters Project has followed this bill throughout the session and does not want Governor Davis to think twice about signing it. Please sign the letter to him so he won't be able to.

###

Lesbian/Gay/Bisexual/Transgendered Issue

Protect Our Foster Children

by Boyce Hinman, Chief Lobbyist

Last month we asked you to write to the Senate in support of AB 2651, a bill to protect lesbian, gay, bisexual, and transgender (LGBT) foster children. The bill also would encourage the recruitment of LGBT adults to become foster parents and caregivers. Lambda Letters also sent an alert to the people on its e-mail alert list asking them to write to the Senate in support of the bill. Between those two methods, we delivered over 2,700 letters and messages of support of the bill to the Senate.

The Senate approved this controversial bill. Many factors were involved in the success, so far, of this bill. But one thing is becoming increasingly clear. The thousands of letters and messages that you all send to elected officials each month is having a major impact. You are shaping your own future. You are creating a world that will be better for you and those who come after you.

AB 2651 has been approved by the legislature and sent to Governor Davis for his signature. It is a controversial bill. It would protect LGBT youth in foster care from discrimination and harassment. Even more controversial, it would actively recruit LGBT adults to care for those youth. This bill will be vigorously opposed by the religious right. They will tell governor that AB 2651 is "putting the fox in charge of the hen house." The governor will be under immense pressure to veto AB 2651. We must not let that happen. Please sign your letter on this bill and return it immediately to Lambda Letters for delivery to the governor.

###

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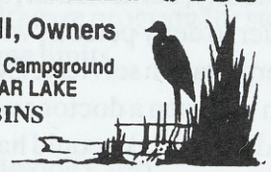

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People of Color Issue

Ensure Access to Interpreters

by Marty Martinez

Lambda Letters Project is asking you to support AB 2739 by Assemblymember Wilma Chan (D–Oakland). The bill would strengthen access to interpreters and translated materials for low-income persons enrolled in public health programs in California. This bill will result in appropriate healthcare for low-income individuals who do not speak English. If a person cannot communicate with his or her doctor or health plan, there is no way that healthcare will be adequate.

Currently there are requirements in the Medi-Cal and Healthy Families Programs—both of which provide healthcare to low-income Californians—that stipulate that persons who do not speak English be informed of their right to an interpreter. Because both of these programs are partially federally funded, participants have a federally mandated right to an interpreter. The requirements also include provisions for translated materials. However, the requirements only exist as contracts between government agencies and the health plans that participate in these programs. It is conceivable that the requirements could be weakened in future contract negotiations between government agencies and health plans, particularly if future administrations do not strongly support the rights of persons who do not speak English.

AB 2739 will make the requirements law and thus not subject to arbitrary change. The bill appears headed for legislative approval, but may face a veto by Governor Davis. The administration is concerned that the bill takes away flexibility from government agencies and that it might have costs associated with it. (Any bill that may cost the state money is having a hard time in this budget year.)

The governor's concerns are easily countered. It is well and good to provide government agencies with flexibility, but not if that flexibility includes making it easier to deny persons who speak English with basic interpretation services. Even a simple miscommunication between a doctor and patient over how much medicine to take could have fatal consequences. The concerns over cost are misinformed. This bill merely makes law requirements that already exist, in order to ensure that the rights of persons who do not speak English cannot be rolled back in the future. Therefore, there are no new costs to health plans or to government agencies, since plans are already required to provide interpreters and government agencies are already required to enforce these rights. ###

HIV/AIDS Issue

Help the HIV-Positive Get Medi-Cal

by Boyce Hinman, Chief Lobbyist

Today we ask that you write to Governor Davis urging him to sign AB 2197. This bill would allow people who are HIV-positive, but who don't have full-blown AIDS, to qualify for Medi-Cal, the publicly funded health program that provides health insurance for the poor and disabled. Under current law a person who is simply HIV-positive, and who has no other disability, does not qualify for Medi-Cal. A diagnosis of AIDS automatically qualifies one as disabled.

One interesting aspect of this bill is that it won't increase the costs to the state by even one cent. The bill will certainly add people to the Medi-Cal roles, and that will increase costs to the state. However, those costs will be offset by other changes. The bill says current Medi-Cal recipients should be encouraged to switch to managed care providers, also known as Health Maintenance Organizations (HMOs). Medi-Cal would still pay for the care, but the cost of care by HMOs is almost always lower. Only once savings occur as the result of moving Medi-Cal recipients to HMOs, HIV-positive people who don't have AIDS may be provided coverage under Medi-Cal.

People with HIV, but who do not have AIDS, face a cruel dilemma. Treatment for HIV is very expensive. If they do not have adequate insurance, it often drives them into poverty. Many just can't afford the care and don't get it. Usually this means they get full-blown AIDS. It also often means they become unable to work because they are too sick.

AB 2197 provides a way out of the dilemma. It provides poor people who are HIV-positive the healthcare they need to avoid getting AIDS. Remember, it won't cost the state a penny. Please write to the governor and urge him to sign AB 2197. ###

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September Legislative Update

The State Legislature set August 31 as the day on which it ends its 2002 session. Normally, bills not approved by then would be dead. However, as of this writing in late August, it appears the legislative session may be extended because of the failure of the Legislature to enact a 2002–03 budget. So it's possible that the deadline for the passage of state bills may be extended. We shall have to wait and see.

Following is a review of the status of bills being tracked by Lambda Letters. You will see that some bills have been sent back to their house of origin for "concurrence." This occurs, for example, when a bill approved by the Assembly is sent to the Senate for approval by that house. If the Senate changes the bill before approving it, the bill must go back to the Assembly for its agreement to (or concurrence with) the changes.

HIV/AIDS Issues

AB 2064 (Gil Cedillo, D–Los Angeles)
Purpose: To require the State Department of Health Services to authorize the establishment of training programs for counselors for publicly funded HIV testing programs by specified community-based, nonprofit organizations. The bill would require the department to establish uniform curriculum content and design for these training programs. Would require the participating community-based organizations to follow departmental curriculum guidelines for these training programs. Costs associated with training programs administered pursuant to the bill would be absorbed by participating community-based organizations.
Status: Sent to the governor for signature.
LLP Position: Support, with some concern about the cost to community-based groups.

AB 2197 (Paul Koretz, D–West Hollywood)
Purpose: To modify the Medi-Cal health insurance rules to provide coverage for people who are HIV-positive and who qualify for Medi-Cal, except that they are not disabled.
Status: Approved by the Senate Appropriations Committee and sent to the floor of the Senate for a final vote in that house. If passed there, will return to the Assembly for concurrence.
LLP Position: Support.

AB 2905 (Roderick Wright, D–Los Angeles)
Purpose: To require HIV testing be offered to all inmates in California State Prisons, subject to an inmate's right of refusal.
Status: Approved by the Senate Appropriations Committee. Awaiting a final vote on the Senate floor.
LLP Position: Support.

SB 187 (John Vasconcellos, D–Santa Clara)
Purpose: To require the State Department of Health to establish and maintain a voluntary program for the issuance of registry identification cards to qualified medical marijuana patients, and to establish procedures under which a patient with the card could use marijuana for medical purposes. *Note:* A recent U.S. Supreme Court decision stated that, in spite of Proposition 215, a person may be prosecuted under federal law for possession of marijuana. The court said medical necessity does not justify possession. So signing up for a marijuana registry card may be signing a confession to violation of federal law.
Status: Left on the Senate floor while Senator Vasconcellos seeks to persuade the governor to sign it.
LLP Position: Oppose.

SB 599 (Wesley Chesbro, D–Santa Rosa)
Purpose: To require health plans to cover medically necessary substance-related disorders in the same way that plans cover any other medical condition. The only limit that may be placed on the coverage is a 60-day annual limit on non-hospital residential care. The bill would also require health plans to offer coverage for the treatment of alcoholism.
Status: Passed the Senate and all necessary Assembly Committees. Is in the Assembly Inactive file pending the author's decision on what to do with it. It's strongly opposed by the insurance industry. The author plans to move the bill in 2002, although he would not have to move it until the end of the year. A deal may be cut to mandate only the substance-abuse related benefits covered by CalPERS, the healthcare program for state workers. That program has some limits.
LLP Position: Support.

SB 1315 (Byron Sher, D–Redwood City)
Purpose: To reduce prescription drug costs by estab-

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Legislative Update

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lishing a multi-agency prescription drug buying pool in state and county governments and for school districts. By buying in bulk, the central purchaser may be able to lower the per-unit cost of the drugs. The central purchaser could buy drugs for other state or county government agencies.
Status: To be voted on in the Assembly Appropriations Committee on August 22.
LLP Position: Support.

SB 1680 (Richard Polanco, D–Los Angeles)
Purpose: To place limits on the extent of punishment of people who participate in peaceful demonstrations.
Status: Awaiting a final vote in the Assembly. If approved by the Assembly, it will have to return to the Senate for concurrence.
LLP Position: Support.

SB 1734 (John Vasconcellos, D–San Jose)
Purpose: Current law protects public entities, their agents, or employees from prosecution for distribution of hypodermic needles or syringes to participants in clean needle and syringe exchange projects authorized by the public entity pursuant to a declaration of a local emergency due to the existence of a critical local public health crisis. This bill would also protect them from prosecution for distributing materials to sanitize drug paraphernalia distributed to participants in clean needle and syringe exchange projects. The county in which the program exists would have to annually declare a health state of emergency.
Status: Sent to the governor for signature.
LLP Position: Support.

SB 1785 (John Vasconcellos, D–San Jose)
Purpose: To remove the requirement that people have a prescription to buy a hypodermic needle and syringe. Also would eliminate the requirement that a pharmacist keep records of who buys them. The bill would allow a person to posses up to 30 hypodermic needles and syringes if purchased through an authorized source.
Status: Awaiting a vote on the Assembly floor.
LLP Position: Support.

Lesbian/Gay/Bisexual/Transgender Issues

AB 1080 (Christine Kehoe (D–San Diego)
Purpose: To prohibit a state agency from entering into a contract for the acquisition of goods or services with a vendor or contractor who does not offer benefits to registered domestic partner employees equal to benefits offered to married employees.
Status: Approved by the Senate Appropriations Committee. Awaiting a final vote in the Senate. If approved there, it would be returned to the Assembly for concurrence.
LLP Position: Support.

AB 1649 (Jackie Goldberg, D–Los Angeles)
Purpose: To amend California's Fair Employment and Housing Act to ban employment and housing discrimination against transgendered people.
Status: The bill was dropped by the author at the request of the governor. He promised Goldberg that he'd fulfill most of the bill's purpose through new procedures at the Department of Fair Employment and Housing. So far, he seems to be keeping his promise.
LLP Position: Support. We are cosponsors of the bill.

AB 1908 (Rebecca Cohn, D–Campbell)
Purpose: To allow employer-paid, long-term care insurance to state employees and retirees enrolled in the public employee retirement system and to employees and retirees of the legislature, the court systems, school districts, and some local governments in California. Would also allow this employer-paid insurance for their siblings, spouses, parents, and spouses' parents.
Status: Sent to the governor for signature.
LLP Position: Support if domestic partners and the parents of domestic partners are added to the bill. The author, thus far, refuses to add domestic partners.

AB 1942 (Judy Chu, D–Monterey Park)
Purpose: To allow establishment of a pilot anti-bias training program in any county in which hate crimes exceed the statewide average of hate crimes. The

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Legislative Update

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project would focus on minors in custody or on probation, probation officers, correction officers, teachers, youth service providers, social workers, parents, and community members. The goal of the program would be to reduce hate crimes.
Status: Approved by the Senate Appropriations Committee. Awaiting a final vote on the Senate floor.
LLP Position: Support.

AB 2216 (Fred Keeley, D–Santa Cruz)
Purpose: Under the existing law of intestate succession, the surviving spouse is entitled to a specified share of the decedent's separate property that is not effectively disposed of by will. This bill would extend this entitlement to a decedent's domestic partner.
Status: Approved by the Senate. Will have to go to the Assembly for concurrence.
LLP Position: Support.

AB 2484 (Hannah-Beth Jackson, D–Santa Barbara)
Purpose: To prevent and reduce school violence by requiring school districts to provide instruction and materials on the prevention of school terrorism through recognition and reporting prior to the occurrence of the violence.
Status: Signed by the governor.
LLP Position: Support.

AB 2651 (Judy Chu, D–Monterey Park)
Purpose: To establish goals to protect, gay lesbian, bisexual and transgender foster children and foster parents and caregivers. States it is the goal of this state that foster parents, including, but not limited to, gay, lesbian, bisexual, and transgender adults, shall be identified who are interested in caring for gay, lesbian, or transgendered youth in foster care.
Status: Sent to the governor for signature.
LLP Position: Support.

AB 2777 (Joe Nation, D–San Rafael)
Purpose: To allow Santa Barbara, Marin, and Los Angeles counties to offer death benefits, optional retirement allowances, or survivor's allowances to the domestic partners of county employees and retirees.
Status: Sent to the Governor for signature.
LLP Position: Support.

AB 2862 (Carole Migden, D-San Francisco)
Purpose: To make technical, clarifying changes to current laws, as they relate to domestic partners and to wrongful, death, group health or disability insurance programs, and intestate succession.
Status: To be voted on in Senate Appropriations Committee on August 21.
LLP Position: Support.

SB 1661 (Sheila Kuehl, D–Los Angeles)
Purpose: To provide workers compensation payments to workers who take family leave to care for seriously ill family members, including domestic partners.
Status: Approved by the Assembly Appropriations Committee and sent to the Assembly floor for a final vote in that house.
LLP Position: Support.

SB 1945 (Sheila Kuehl, D–Los Angeles)
Purpose: To give victims of hate crimes more time to submit hate crimes complaints to the Department of Fair Employment and Housing.
Status: Approved by the Assembly. Must go back to the Senate for concurrence.
LLP Position: Support.

Join ECCO as we honor our community's finest.

On Saturday October 5, 2002, ECCO will hold its 19th Annual Awards Dinner at Disney's Grand Californian Hotel in Anaheim. Visit us online for the award winners and latest details!

The Elections Committee of the County of Orange (ECCO) is a non-partisan Lesbian, Gay, Bisexual, Transgender, HIV/AIDS, and Women's political action committee serving Orange County and Long Beach, CA. Join us as we financially assist local, state, and federal candidates and organizations that support the issues important to our community.

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SCA 9 (Jackie Speier, D–San Mateo)
Purpose: To end the practice of reassessing people's homes, and greatly increasing property taxes on a home owned by domestic partners (or other unmarried people who share a home), when one of them dies.
Status: Was scheduled to be heard in the Assembly Appropriations Committee, but was not. May be dead.
LLP Position: Support.

People of Color Issues

AB 1749 (John Longville, D–San Bernardino)
Purpose: To require the governor to proclaim the third Saturday in June each year as "Juneteenth National Freedom Day: A Day of Observance" and to urge the people of California to join in celebrating this day to honor and reflect on the significant role that African Americans have played in the history of the United States and how they have enriched society through their steadfast commitment to promoting brotherhood and equality.
Status: Signed by the governor.
LLP Position: Support.

AB 1806 (Keith Richman, R–Granada Hills)
Purpose: To eliminate the asset test for eligibility for Medi-Cal.
Status: Failed in the Senate Appropriations Committee.
LLP Position: Support.

AB 1807 (Keith Richman, R–Granada Hills)
Purpose: To require the department to develop a form for the temporary qualification and accelerated enrollment of a child in the Healthy Families Program and the Medi-Cal program. The bill would require that a healthcare provider, as defined, be reimbursed for services, and a pharmacy be reimbursed for prescribed drugs, provided to a temporarily qualified child under these provisions to the same extent and in the same manner as a healthcare provider or pharmacy providing services to a child who is fully enrolled and eligible for benefits under the Healthy Families Program or the Medi-Cal program.
Status: Failed in the Senate Appropriations Committee.
LLP Position: Support.

AB 1891 (Manny Diaz, D–San Jose)
Purpose: To require the Department of Housing and Community Development to establish a program to make matching grants, from money appropriated by the Legislature, to local agencies that have housing trust funds, to provide financing for affordable housing to be occupied primarily by very-low-income persons and families. The bill would become operative only if the Housing Bond Act of 2002, as proposed by Senate Bill 1227, is enacted by the voters.
Status: Approved by the Senate Appropriations Committee. Awaiting a final vote on the Senate floor.
LLP Position: Support.

AB 2165 (Virginia Strom Martin, D–Santa Rosa)
Purpose: To require the Joint Legislative Sunset Review Committee to review the state's shortage of pharmacists and make recommendations on a course of action to alleviate the shortage.
Status: Approved by the Senate. Must go back to the Assembly for concurrence.
LLP Position: Support.

AB 2739 (Wilma Chan, D–Oakland)
Purpose: To require health services providers who contract with the State Department of Health Services and with Medi-Cal to take steps to provide culturally and linguistically appropriate services to their clients.
Status: Approved by the Senate Appropriations Committee. Awaiting a final vote on the Senate floor.
LLP Position: Support.

SB 1264 (Dede Alpert, D–San Diego)
Purpose: Existing law provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families. Certain types of payments received by recipients of aid under the CalWORKs program are prohib-

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Deborah A. Brooks
Certified Public Accountant

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ited from being treated as income or resources of the family and from being deducted from the amount of aid to which the family would otherwise be entitled. This bill says that any award or scholarship provided by a public or private entity to, or on behalf of, a dependent child based on the child's academic or extracurricular achievement or participation in a scholastic, educational, or extracurricular competition may not be treated as income or resources of the family for purposes of determining eligibility under the CalWORKs program.
Status: Sent to the governor for signature.
LLP Position: Support.

Women's Issues

AB 1860 (Carole Migden, D–San Francisco)
Purpose: To provide a female victim of sexual assault with the option of postcoital contraception. Emergency contraception shall be dispensed upon the request of the victim.
Status: Sent to the governor for signature.
LLP Position: Support.

AB 1909 (Rebecca Cohn, D–Campbell)
Purpose: To allow—subject to adequate, discretionary funding from a city or county—that the superior courts in San Diego County, in Santa Clara County, and in any other county willing to participate, develop a demonstration project to identify the best practices to follow in civil and criminal cases involving domestic violence. The bill would require superior courts participating in this demonstration project to report their findings and recommendations to the Judicial Council and the Legislature.
Status: Signed by the governor.
LLP Position: Support.

AB 1928 (Hannah-Beth Jackson, D–Santa Barbara)
Purpose: To permit a person injured by a crime of violence motivated by gender to bring a civil action for damages against the responsible person or persons.
Status: Passed by the Senate Judiciary Committee and sent to the floor of the Senate for a final vote in that house.
LLP Position: Support.

AB 2030 (Jackie Goldberg, D–Los Angeles)

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See Copies of State Bills

View any state bill listed here by going to the Lambda Letters Project Web site! Go to www.lambdaletters.org and click on the Legislative Update button. Click on the bill number you're interested in and choose "HTML" to view it.

Purpose: To allow courts, upon request, to waive the fee for serving a protective order, restraining order, or injunction if that order or injunction is based upon specified acts or threats.
Status: Approved by the Senate Appropriations Committee. Awaiting a final vote on the Senate floor.
LLP Position: Support.

SB 564 (Jackie Speier, D–San Mateo)
Purpose: To require applicants for licensure as a psychologist; marriage, family, and child counselor; or social worker who began graduate study on or after January 1, 2004, to complete a minimum of 15 contact hours of course work in spousal or partner abuse assessment, detection, and intervention strategies. Those who were licensed earlier than that date would be required to take continuing education courses in the above subjects.
Status: Approved by the Assembly. Must go back to the Senate for concurrence.
LLP Position: Support.

SB 1301 (Sheila Kuehl, D–Los Angeles)
Purpose: Current law states that prior to the performance of an abortion, a medical committee must determine that continuation of the pregnancy would impair the physical or mental health of the mother, or that the pregnancy resulted from rape or incest. This law instead states that every person has the right to (a) choose or refuse birth control and (b) to choose to bear a child or obtain an abortion. The bill says the state shall not deny a woman's right to obtain an abortion unless the procedure is to be performed or assisted by one not properly licensed by the state or unless the attending physician thinks the baby could live outside the uterus *and* the doctor believes the abortion is not needed to protect the life and health of the mother.
Status: Approved by the Assembly. Must go back to the Senate for concurrence.
LLP Position: Support.

SB 1320 (Sheila Kuehl, D–Los Angeles)
Purpose: To revise and strengthen the definition of the crime of stalking.
Status: Scheduled for a vote in the Assembly Appropriations Committee on August 21.
LLP Position: Support.

SB 1365 (Jackie Speier, D–San Mateo)
Purpose: Current law allows taxpayers, until January 2003, to include an extra payment with their state income tax return and to designate that extra money to be used to support breast cancer research. This bill would extend the program until January 2008.
Status: Approved by the Assembly. Must go back to the Senate for concurrence.
LLP Position: Support.

SB 1399 (Gloria Romero, D–Los Angeles)
Purpose: To send people to jail for up to one year or fine them up to $2,000, or both, if they flee the state to avoid paying court-ordered spousal support.
Status: Sent to the governor for signature.
LLP Position: Support.

SB 1618 (Sheila Kuehl, D–Los Angeles)
Purpose: To raise the marriage license application fee from $23 to $33. The $10 increase would fund domestic violence shelters, $4 of which would target the creation of domestic violence shelters in underserved areas and populations.
Status: Approved by the Senate but failed on the Assembly floor. The author might try to get a revote on the bill.
LLP Position: Support.

###

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Your Help Needed Now

Continued from page 1

commendations from the AIDS Health Care Foundation, the San Diego Democratic Club, the Elections Committee of the County of Orange (a GLBT political action Committee), California NOW, and the Women's Health Campaign.

By all reasonable measures, we are a very successful organization providing valuable service to the community. We believe there is no organization in the state of California that lobbies as effectively for the LGBT community. No organization is anywhere near as effective in keeping our community informed on the legislation that affects their lives.

And yet we do all this with just ten volunteers and no paid staff, other than an independent contractor who does our monthly mailings for us. We have just seven board members, a volunteer newsletter editor, and two legislative analysts who prepare the monthly sample letters that you get with your newsletter each month.

We need a larger board. It's hard work for just the seven of us; the workload would be much more manageable if we had ten or more active, involved board members. Won't you consider joining our board of directors?

Board members attend four board meetings a year. They staff our booths at pride festivals, and they are expected to fund-raise. Board candidates need to be relatively assertive and good communicators, and they need to care about the work that we do. Most people are not comfortable fund-raising. However, it can be as simple as stuffing mailings or as challenging as putting on an event, or asking individuals for large donations. Board members can select the method with which they are most comfortable.

We also need more legislative analysts. We work on legislation in four areas. Our model has been to place one volunteer analyst for each of those areas. However, for about two years we have operated with just two analysts. They work on issues of concern to people of color and on women's issues. Our chief lobbyist has filled in for the others; he has covered HIV/AIDS issues and lesbian/gay/bisexual/transgender issues. We need one person each to cover these last two areas. Of course, it would be nice to have backup people for all four issue areas, so if any area interests you, please let us know.

LLP analysts choose one piece of legislation each month and write one article about it for our newsletter. The analyst also writes one sample letter about his or her bill of the month. The job takes about ten hours per month to complete. Analyst candidates should have good writing skills and Internet access. Lambda Letters can provide training on how to find legislation to write about and how to write articles and sample letters.

It is unreasonable to ask our board members and analysts to continue working with so little help. We need a minimum of three more board members and two more legislative analysts. Our volunteers have given a lot to our community. I think your life is better and safer because of the work that they do. But they need your help. Please give serious consideration to joining our board of directors or becoming a legislative analyst. To volunteer, or to seek further information, feel free to contact me:

(818) 785-1563
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I hope to hear from you soon.

###

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God Loves Variety

by Steve Goodier, Lambda Letters member

I like the story about three ministers and a priest who played golf together every week. They decided to visit each other's churches. The following day, the three ministers showed up at an early-morning mass at their friend's church. There were no empty pews so they stood in the back.

When the priest saw them, he whispered to the little acolyte, "Get three chairs for the Protestants!" The boy looked stunned and sat down. The priest pointed to the back where the clergymen were standing and repeated, "Get three chairs for the Protestants." The confused boy still stared back blankly.

Exasperated, the priest said emphatically, "Please! Get three chairs for the Protestants!"

The dismayed acolyte stood before the congregation and announced, "Ladies and gentlemen. This is the first time this has ever been done in a Catholic church, but let's all stand and give *three cheers* for the Protestants!"

Perhaps it's time to give three cheers to those of another faith. And while we're at it, let's applaud those of other cultures and races, too. What a beautiful world it is when all are truly part of one glorious family.

After all, if God doesn't love variety, why is there so much of it?

(With apologies to our atheist/agnostic members.)

###

Don't Know Who Represents You?
Send your request with a stamped, self-addressed envelope and we'll send you a complete list of your elected officials. Or go to www.lambdaletters.org to find out who represents you.

TG Protections in the Workplace

Continued from page 1

administrative action. It now appears that the DFEH is making a good-faith effort to fulfill the governor's promise.

I believe this would not have happened if the Lambda Letters Project had not pushed for the legislation. Yet as a community we owe a debt of gratitude to Keeley and Goldberg. We also owe a great debt to other organizations that provided crucial help in this effort. These organizations include the California Alliance for Pride and Equality (CAPE), the National Center for Lesbian Rights (NCLR), the ACLU, the Los Angeles Gay and Lesbian Center, and others. What we have accomplished together simply would not have happened without crucial help from these legislators and organizations.

I encourage you to contact the DFEH if you have suffered transgender-related employment or housing discrimination. If you do contact them, I would like to hear how your experience went. If, as I expect, you get good service from them, I would like to hear that. However, if your complaint is not handled properly, I would very much like to hear that as well. You can e-mail me at *LambdaLP@aol.com,* call me at (916) 728-1261, or write me: Lambda Letters Project, 6529 Cowboy Way, Citrus Heights, CA 95621.

I should add that there is much you need to know before you approach the DFEH with your complaint. Shannon Minter of the NCLR and Sheryl Harris of the Legal Aid Society's Employment Law Center have created an excellent description of the DFEH complaint process. You can find it on pp. 14–15. I hope it will help you if you do find it necessary to submit a complaint to the DFEH.

I wish you well.

###

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Understanding DFEH's Complaint Process

by Sheryl I. Harris, Legal Aid Society Employment Law Center, and Shannon Minter, National Center for Lesbian Rights

Until recently, transgender (TG) people had little recourse from workplace discrimination and harassment. Even though advocates have long argued that transgender people should be protected by sex discrimination laws, courts largely ignored these arguments. Recently, though, courts and administrative bodies throughout the country—including California—have recognized that discrimination against transgender and gender nonconforming people is a form of sex discrimination.

In response to this positive trend in the case law, the California Department of Fair Employment and Housing ("DFEH"), the state agency that receives and investigates all complaints of discrimination filed under California's anti-discrimination law, has recognized that it must accept complaints based on gender identity and/or gender nonconformity discrimination.

Basics of FEHA Coverage for Transgendered People

The California Fair Employment and Housing Act ("FEHA") is a law that prohibits discrimination in employment and housing in California based on race, sex, religious creed, color, national origin, age, disability, pregnancy, medical condition, marital status, ancestry, and sexual orientation. It is the state counterpart to the federal employment non-discrimination law, Title VII of the Civil Rights of 1964 ("Title VII"), but is broader in many respects. Under FEHA (and Title VII), transgender and gender nonconforming people are protected from discrimination on the basis of sex. Depending on the circumstances, transgender and gender nonconforming people may also be protected on the basis of disability and perceived sexual orientation under FEHA. (For further explanation of these protections, contact one of the organizations listed below to receive the publication "Gender Identity and Employment Discrimination.") The types of discrimination prohibited by FEHA include: discharge, demotion and refusal to hire; transfer to a less desirable position; failure to use appropriate names, pronouns, and titles; failure to allow bathroom use according to gender identity; and harassment by coworkers, supervisors, or management, among others.

Recognizing and Proving Discrimination

If you believe you have been subject to a *negative employment action*—such as demotion, transfer or non-promotion—because of your transgender status, you must be able to show that you were treated differently than other similarly situated, non-transgender employees. For example, if you were hired before a non-transgender employee with the same experience, and this person was promoted over you, this person could be a similarly-situated non-transgender employee, or "comparator," for purposes of proving your case. You must also disprove any legitimate non-discriminatory reason your employer may provide as a reason for not promoting you (for example, poor work performance).

To prove a *harassment* case, you must show that:

(1) the harassing conduct is severe or pervasive; and
(2) the harassment was directed at you because of your sex.

Isolated incidents are not enough. Physical touching or assault, for example, is considered severe; conduct occurring regularly for an extended period is considered pervasive. To show that you are the target of harassment "because of sex," you must show that the treatment was directed at you because of your sex, which includes gender stereotyping. For example, a coworker refers to you with slurs such as "drag queen" or "he/she," or makes comments indicating that you do not meet stereotypical notions about how a man or woman should act, such as commenting on your hair, clothing, manner of speaking or walking, etc. The conduct need not be sexual in nature.

One note of caution: employment discrimination cases can be extremely difficult to prove. Although you may have suffered extreme or blatant discrimination, you may have little legal recourse if you cannot produce evidence in the form of comparators, witnesses, or other documentation of the discriminatory conduct.

Filing an Administrative Complaint

The first step in dealing with discrimination or harassment is to report it to your employer or union and to attempt to resolve the situation through your employer's internal complaint process and/or the union grievance process. An employer can't be held liable for harassment if the employer is not aware of what is happening.

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If you cannot resolve an incident of discrimination or harassment with your employer internally, filing a complaint with the DFEH is the next step in securing legal protection. It is also a necessary precursor to filing a lawsuit.

You must file a complaint with the DFEH within one year of the last act of discrimination. If you do not file within this time, you lose your right to pursue your complaint with the agency or in court.

There is no cost to file a complaint, and filing can be done without the assistance of an attorney.

To file a complaint, contact the DFEH Communications Center at (800) 884-1684 and state clearly that you believe you have been discriminated against because you are transgender or gender nonconforming. If your situation meets certain legal requirements (such as the filing deadlines noted above), you will receive an appointment time at the DFEH office closest to you. You will also be sent a questionnaire by mail asking you to detail the facts of the discrimination.

In filling out the questionnaire, it is essential that you indicate each possible basis of discrimination (sex, disability, sexual orientation, etc.). It can also be helpful, although the form does not request it, to attach a one or two-page summary explaining why you believe what happened was discrimination. Be sure to include a description of any comparators, and the names and contact information of any witnesses to the discrimination or harassment. Preparing a timeline or a log of each incident, especially in the case of harassment, can also be very helpful. Include the date, time, a description of the incident, and any witnesses who observed the incident.

At the interview, you will meet with a consultant who is responsible for collecting information from you, drafting your discrimination complaint, and ultimately investigating your case. Retain the name and contact information of the consultant, because she will be your contact throughout the process.

During the interview, provide information about any comparators, the names and contact information of witnesses, and any documentary evidence, such as notes, e-mail, or letters from your employer. Be sure to indicate that you wish the DFEH to cross-file your complaint with the Equal Employment Opportunity Commission ("EEOC"), the federal counterpart to DFEH, which enforces Title VII. Thanks to a work-sharing agreement between DFEH and EEOC, you need not file with both agencies, but you do need to make sure that DFEH cross-files your complaint in order to ensure that you retain your right to sue under federal law as well.

After the interview, you will receive a draft complaint in the mail. Check to make sure that the boxes for each kind of discrimination you are claiming are checked, that the date of the last incident of discrimination is correctly noted, and that the statement of facts is complete and accurate. Also make sure that the box indicating your desire to have the complaint cross-filed with the EEOC is checked, and that the complaint has been assigned both a DFEH and EEOC complaint number. Contact the consultant before you sign if any changes are necessary.

Once you sign and return the complaint, the DFEH will send a copy to your employer, who will be required to provide a written response within a few weeks. You may ask the consultant to read the employer's response to you over the phone. The response can provide important information about what you will have to prove to prevail; for example, refuting an employer's claim that you were not promoted because of poor work performance, rather than because you are transgender or gender nonconforming.

The DFEH will then begin its investigation, which can last for several months or up to a year. The investigation will be most effective if you can provide specific names and contact information for people that can corroborate your story. Check in with the DFEH consultant periodically to find out how the investigation is proceeding and to provide any additional information that may be useful.

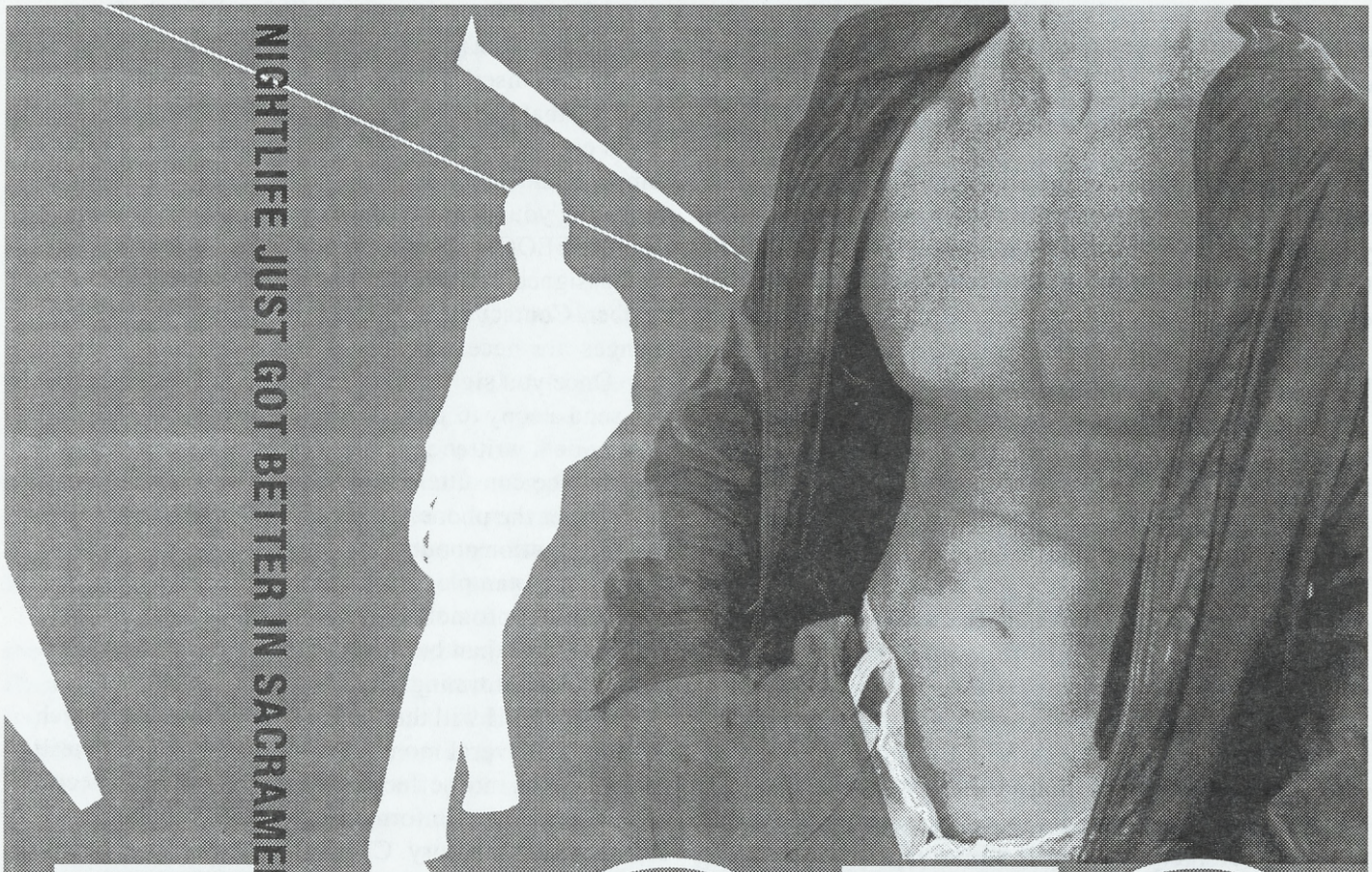
At the end of the investigation, the DFEH will issue a "right-to-sue letter" that includes one of three findings:

(1) that the DFEH believes discrimination did occur,
(2) that the DFEH believes it did not, or
(3) that there is insufficient evidence for the DFEH to determine whether discrimination occurred.

A finding of discrimination can be very useful in any lawsuit you may bring, but a finding of no discrimination or insufficient evidence does not preclude you from bringing suit. At any time during the investigation, you may request that the DFEH stop its investigation and issue you a right-to-sue letter.

You must file a lawsuit within one year of the date of the right-to-sue letter, or you will lose your opportunity to file. To file a lawsuit under federal law, you must do so within 90 days of receipt of the right-to-sue letter from EEOC.

For information or assistance in filing a complaint with DFEH, contact Chris Daley at the Transgender Law Project of the National Center for Lesbian Rights at (415) 392-6257 (or *daley@nclrights.org*) or Sheryl Harris at the Legal Aid Society's Employment Law Center at (415) 864-8848 (or *sharris@las-elc.org*).



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